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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,577	03/29/2004	Efraim Atad	27382	9507

67801 7590 12/09/2008

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EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
12/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,577	ATAD ET AL.	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/08 has been entered.

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The disclosure is objected to because of the following informalities: Page 2 line 15 of the originally filed specification states "... **manly** over PSTN line ...", the examiner recommends amending the statement to "... **mainly** over PSTN line ...".

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claim 1** is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/810,552 in view of Perlman (Pub No US 2004/0110463). Copending Application No. 10/810,552 discloses all the features of claim 1, except for "said rooftop installations comprising a coaxial cable connection for reaching respective internal infrastructure". Nevertheless, Perlman discloses such feature on figure 1, cable 20.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify copending Application No. 10/810,552 by specifically providing the elements mentioned above, as taught by Perlman, for the purpose of providing a physical connection for the devices inside the building, which allows the transfer of data.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1 – 8, 11 – 19 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (Pub No US 2004/0031058) in view of Perlman (Pub No US 2004/0110463). Hereinafter, referenced as Reisman and Perlman, respectively.

Regarding **claim 1**, Reisman discloses a TV broadcasting system (abstract and also exhibited on fig 1) comprising:

an outward broadcast link configured to supply a multi-channel video signal to reach each of a plurality of users via user broadcast receiver (Paragraphs [0049] [0098] also exhibited on fig 1),

and a return link from each of said plurality of users, said return link being provided over a terrestrial wireless channel via a terrestrial wide area wireless network (WAN) (Paragraphs [0049] [0085] [0150] fig 1)

However, it is noted that Reisman fails to explicitly disclose user rooftop broadcast receiver installations and said return link comprising a plurality of nodes as relay stations, said nodes as relay stations being provided by at least some of said

plurality of rooftop user broadcast receiver installations, said user broadcast receiver installations thereby providing infrastructure for said return link.

Nevertheless, in a similar field of endeavor Perlman discloses user rooftop broadcast receiver installations (Paragraph [0024] fig 1; dish 16),

said return link comprising a plurality of nodes as relay stations, said nodes as relay stations being provided by at least some of said plurality of rooftop user broadcast receiver installations, said user broadcast receiver installations thereby providing infrastructure for said return link (Paragraphs [0021] [0031] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reisman by specifically providing the elements mentioned above, as taught by Perlman, for the purpose of implementing a data distribution scheme and would benefit and satisfy users, since data could potentially be received by the customer without the need for a direct wire connection to the satellite dish.

Regarding **claim 2**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses that said outward broadcast link is a satellite link (Paragraphs [0071] [0090] fig 1).

Regarding **claim 3**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses that said outward broadcast link is a terrestrial link (Paragraphs [0071] [0090] fig 1).

Regarding **claim 4**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses that said terrestrial network further supports a second forward link to each of said plurality of user receiver installations (Paragraphs [0071] [0085] fig 1; different types of supported forward links for the users).

Regarding **claim 5**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses that said terrestrial network is a wide area network (WAN) operative substantially in accordance with IEEE standard 802.16 or IEEE standard 802.20 (Paragraph [0085] fig 1).

Regarding **claim 6**, Reisman and Perlman disclose the system of claim 1; however, it is noted that Reisman fails to explicitly disclose that at least some of said nodes comprise support for a communications hotspot.

Nevertheless, in a similar field of endeavor Perlman discloses that at least some of said nodes comprise support for a communications hotspot (Paragraphs [0028] [0032] fig 1; the wireless signal range is the communication hotspot).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reisman by specifically providing the elements mentioned above, as taught by Perlman, for the purpose of implementing a data distribution scheme and would benefit and satisfy users, since data could potentially be

received by the customer without the need for a direct wire connection to the satellite dish.

Regarding **claim 7**, Reisman and Perlman disclose the system of claim 6; however, it is noted that Reisman fails to explicitly disclose that said communications hotspot is substantially in accordance with IEEE Standard 802.11.

Nevertheless, in a similar field of endeavor Perlman discloses that said communications hotspot is substantially in accordance with IEEE Standard 802.11 (Paragraphs [0028] [0032] fig 1; the wireless signal range is the communication hotspot).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reisman by specifically providing the elements mentioned above, as taught by Perlman, for the purpose of implementing a data distribution scheme and would benefit and satisfy users, since data could potentially be received by the customer without the need for a direct wire connection to the satellite dish.

Regarding **claim 8**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses a plurality of terrestrial networks (fig 1; Home netowork 128, wireless network 126, internet 124).

Regarding **claim 11**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses a head end unit to direct TV channel content over said outward broadcast link (Paragraphs [0048] [0098] fig 1)

and to manage interactive services for respective users using data received from respective users over said return link (Paragraph [0309] figures 1 and 7c).

Regarding **claim 12**, Reisman discloses a TV broadcasting method (abstract and also exhibited on fig 1) comprising:

providing an outward broadcast link to reach each of a plurality of user broadcast receiver (Paragraphs [0049] [0098] also exhibited on fig 1),

providing at least a return link from each of said plurality of users via a network (Paragraphs [0049] [0085] [0150] fig 1).

However, it is noted that Reisman fails to explicitly disclose user rooftop broadcast receiver installations and forming at least some of said plurality of user receiver installations into relay nodes of a terrestrial two-way wide area wireless transmission network (WAN), and providing at least a return link from each of said plurality of users via said network, using user rooftop broadcast receiver installations of others of said users as signal relays.

Nevertheless, in a similar field of endeavor Perlman discloses user rooftop broadcast receiver installations (Paragraph [0024] fig 1; dish 16),

forming at least some of said plurality of user receiver installations into relay nodes of a terrestrial two-way wide area wireless transmission network (WAN), and providing at least a return link from each of said plurality of users via said network, using user rooftop broadcast receiver installations of others of said users as signal relays (Paragraphs [0021] [0031] fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reisman by specifically providing the elements mentioned above, as taught by Perlman, for the purpose of implementing a data distribution scheme and would benefit and satisfy users, since data could potentially be received by the customer without the need for a direct wire connection to the satellite dish.

Regarding **claims 13 – 19 and 22,** Reisman and Perlman disclose all the limitations of claims 13 – 19 and 22; therefore, claims 13 – 19 and 22 are rejected for the same reasons stated in claims 2 – 8 and 11, respectively.

7. **Claims 9, 10, 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman in view of Perlman further in view of Basso et al. (Pub No US 2002/0124262). Hereinafter, referenced as Basso.

Regarding **claim 9**, Reisman and Perlman disclose the system of claim 1; moreover, Reisman discloses a terrestrial network (Paragraphs [0049] [0085] [0150] also exhibited on figure 1).

However, it is noted that Reisman and Perlman fail to explicitly disclose a central base station for broadcasting to other nodes thereof using a mesh algorithm.

Nevertheless, in a similar field of endeavor Basso discloses a central base station for broadcasting to other nodes thereof using a mesh algorithm (Paragraph [0041] also exhibited on fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reisman and Perlman by specifically providing the elements mentioned above, as taught by Basso, for the purpose of implementing a way to route data between nodes in an efficient and reliable manner, since a mesh algorithm allows hopping from node to node until the destination is reached.

Regarding **claim 10**, Reisman and Perlman disclose the system of claim 9; moreover, Reisman discloses an IP core infrastructure to transmit data between a head end unit and a receiver (Paragraphs [0049] [0085] [0150] also exhibited on figure 1).

However, it is noted that Reisman and Perlman fail to explicitly disclose an IP core infrastructure to transmit data between a head end unit and said central base station.

Nevertheless, in a similar field of endeavor Basso discloses an IP core infrastructure to transmit data between a head end unit and said central base station (Paragraphs [0007] [0041] also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reisman and Perlman by specifically providing the elements mentioned above, as taught by Basso, for the purpose of implementing a way to route data between nodes in an efficient and reliable manner.

Regarding **claims 20 and 21,** Reisman, Perlman and Basso disclose all the limitations of claims 20 and 21; therefore, claims 20 and 21 are rejected for the same reasons stated in claims 9 and 10, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
November 29, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423